

REMARKS

This paper is in response to the Office Action mailed September 1, 2009 (“Office Action”). As this paper is filed prior to the end of the one (1) month statutory period set forth in the Office Action, it is believed that no fee(s) is required for this submission. However, the Commissioner is hereby authorized and requested to charge any required fee(s) for maintaining the pendency of this application to Deposit Account No. 04-0100. At the time of the Office Action, claims 1 and 10-14 were pending.

In the Office Action, the Examiner has issued a requirement for restriction under 35 U.S.C. § 121 and 35 U.S.C. § 372. In particular, Applicants are required to select one of the following Groups of pending claims:

Group I: claims 1, 10, 11, 12 drawn to a battery with a penetrating hole;

Group II: claims 1, 10, 11, 13 drawn to a battery with a non-penetrating hole; and

Group III: claims 1 10, 11, 14 drawn to a battery with a screw insert.

Applicants hereby elect Group II (claims 1, 10, 11, 13), drawn to a battery with a non-penetrating hole, because of the administrative/procedural requirement that an election be made under 37 C.F.R. § 1.142 and MPEP § 818.03(b). However, Applicants expressly take no position on the correctness of the restriction/election requirement. Furthermore, Applicants reserve the right to request rejoinder of appropriate claims in accordance with MPEP § 821.04.

Additionally, Applicants note that the portion of the Office Action entitled “Office Action Summary” (form PTOL-326) indicates that claims 1 and 10-14 have been rejected. As no remarks describing the rejection of these claims are presented in the “Detailed Action” portion of the Office Action and the “Office Action Summary” portion fails to note that claims 1 and 10-14 are subject to a restriction requirement, Applicants will assume that this is simply a typographical error and that there are no rejections of record for the pending claims.

CONCLUSION

Applicants believe that all pending claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the forgoing remarks, Applicant respectfully requests prompt allowance of the pending claims. Please charge any deficiencies, or credit any overpayment to Deposit Account No. 04-0100.

Dated: September 15, 2009

Respectfully submitted,

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